

Message

**From:** Hicks, Matt [Hicks.Matthew@epa.gov]  
**Sent:** 3/20/2019 8:13:32 PM  
**To:** Palmer, Leif [Palmer.Leif@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]  
**Subject:** FL 404 Assumption Status  
**Attachments:** Draft CWA 404g MOA Between DA and FL DEP 03052019 (002).docx

Leif,

I had a couple of updates on FL 404 Assumption:

1. EPA staff received a copy of the Corps/FDEP MOA from FDEP staff with suggested edits from the Corps on 3/14/19 (see attached). These edits were reviewed by the EPA assumption team and forwarded to Jeaneanne Gettle with a summary of edits of interest on 3/19/19. It's our understanding that Simma is forwarding the MOA up her chain at OGC as well. The edits of interest are summarized below and involve ESA coordination which is why they've been flagged for management awareness. It's my understanding that Mary Walker is trying to schedule a FL assumption briefing in the next week to discuss this.

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- ## Ex. 5 Deliberative Process (DP)

2. In preparation for my upcoming Special Assistance detail, I contacted FDEP's Heather Mason on 3/14/19 to get her take on whether things will be active during the May-Nov 2019 timeframe. Her view was that the need for more direction from the Governor's office and the likelihood of a rule challenge made FL assumption activity more likely toward the end of calendar year 2019 rather than May-Nov. This was just her personal view and not an official projection from FDEP.

The nature of the Corps' ESA coordination edits to the Corps/FDEP MOA warranted a downward revision to the percent completeness of that deliverable but there have been no other changes to the other assumption deliverables. The usual caveats apply about these being rough estimates of deliverable completeness including how far along we are to getting review/signatures/buy-in from necessary parties.

- Letter from Governor requesting program approval Ex. 5 Deliberative Process (DP)
- Complete program description Ex. 5 Deliberative Process (DP)
- Attorney General's statement Ex. 5 Deliberative Process (DP)
- EPA/DEP MOA Ex. 5 Deliberative Process (DP)
- Corps/DEP MOA Ex. 5 Deliberative Process (DP)
- Copies of all applicable state statutes and regulations, including those governing applicable state administrative procedures Ex. 5 Deliberative Process (DP)

The 5-way MOA is not a required component per the 404 assumption regulations but it is something that will be part of FL's program so we've attempted to assign it a completeness number as well.

- 5-way MOA Ex. 5 Deliberative Process (DP)